

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:

Jean-Paul MARDON et al.

Serial No. 09/000,104

Art Unit: 3641

Filed: April 20, 1998

Examiner: M. Lattig

For: TUBE FOR A NUCLEAR
FUEL ASSEMBLY AND
METHOD FOR MAKING
SAME

Atty Docket: 336/183

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RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action dated November 4, 1998.

It appears that the Examiner has incorrectly characterized claims 1 to 4 as relating to an apparatus, whereas in fact these claims are product claims.

Applicants provisionally elect product claims 1 to 4, while traversing the Examiner's restriction requirement.

The Examiner is reminded that the present application is a PCT "national phase" application, and that hence the unity of invention requirements of PCT Rule 13 are applicable. MPEP 1893.03(d) states that

unity exists when a process' is "specially adapted" for manufacture of the product if the claimed process inherently produces that claimed product. The discussion further explains that "[t]he expression 'specially adapted' does not imply that the product could not also be manufactured by a different process."

It is respectfully requested that the Examiner's restriction requirement be withdrawn.

Respectfully submitted,



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